

REMARKS

Claims 1 - 117 are currently pending. Claims 7, 8, 71-73, 75, 76, 79 and 81-116 have been withdrawn. By this amendment, claims 1, 2, 16, 19-54, 58, 60-70, 74, 78, 80 and 95 have been amended and claim 117 has been added. Claims 1, 2, 19-54, 58, 60-70, 74, 78 and 80 have been amended to delete the term “preventing” or “prevention”. Claims 1, 2, 16, 58, 66, 69, 78 and 95 have been amended to correct obvious typographical errors which had been inadvertently introduced in the previous preliminary amendment. Claims 67 and 68 were amended to correct an incorrect claim dependency. Support for these amendments can be found throughout the specification and specifically at pages 48 to 58.

Accordingly, Applicant believes that no new matter is introduced in the filing of this Amendment. These claims are believed to place the application in condition for allowance. This amendment does not constitute an admission that the previously filed claims are not enabled or adequately described. Applicants reserve the right to pursue cancelled subject matter in a continuation application.

Applicant respectfully requests reconsideration of the rejection of claims 1-6, 9-70, 74, 77, 78 and 80 in light of the following remarks.

35 U.S.C. § 112, first paragraph:

The Examiner has rejected claims 1-6, 9-70, 74, 77, 78 and 80 as failing to comply with the enablement requirement, in that these claims recite “a method for treating or preventing myocardial ischemia.” The Examiner asserts that the term “preventing” renders the claims non-enabled. Applicants traverse this rejection, but in the interest of expediting allowance, Applicants have amended the claims as suggested by the Examiner in the Office Action, at page 4.

Accordingly, Applicants have deleted the terms “preventing” and “prevention” from claims 1, 2, 16, 19-54, 58, 60-70, 74, 78 and 80, and respectfully request withdrawal of the Examiner’s rejection.

CONCLUSION

This application is therefore in condition for allowance, acknowledgment of which the applicants respectfully solicit. Should, however, the Examiner discover any remaining issues before allowance, the Examiner is kindly invited to contact the undersigned by telephone to expedite the resolution of the same.

As this amendment is filed within three months of the mailing of the Office Action, Applicants do not believe that any fees are due. In the event any variance exists between the amount authorized to be charged to the Deposit Account and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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By: 

Robin L. Teskin
Registration No. 35,030

Gregory W. Mitchell, Ph.D.
Registration No. 53,333

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

RLT/GWM